

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 9 has been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 2, 4, 7 and 14 were previously canceled. Thus, claims 3, 5, 6, 8, 10-13, and 15 are pending in the present application, of which claims 8, 10, and 13 are independent.

Noted - Priority Document Received By USPTO

The indication (see Office Action Summary of the Office Action mailed July 22, 2008, boxes 12(a)(1) are checked) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

Noted – Information Disclosure Statements Considered

The indication (see Examiner-initialed attachments to the Office Action mailed November 15, 2007 and January 26, 2009) that the Information Disclosure Statements as filed on February 4, 2004 and January 7, 2009 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see Office Action Summary of the Office Action mailed July 22, 2008, boxes 10(a) are checked) that the Drawings (submitted on February 4, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §103

Claims 3, 5, 6, 9-13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over V. Dureau (U.S. Publication No. 2003/0135860, hereafter Dureau) in view of J.M.G. Iki et al. (U.S. Patent No. 7,240,356, hereafter Iki).

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dureau, in view of Iki, further in view of A. Tabatabai et al. (U.S. Publication No. 2003/0031260, hereafter, Tabatabai).

The rejection of claim 9 is now moot because of its cancellation by this response.

INDEPENDENT CLAIM 8

As an example, amended independent claim 8 recites (among other things) a feature of “to judge whether to permit delivery of the separated video streams to the client when the scene description content of the separated video streams is previously set as deliverable contents under the criterion”. (Underlining is added for emphasis.) As will be explained below, at least this feature of claim 8 provides a distinction over Iki, and thus over its combination with Dureau and Tabatabai.

The Office Action cites Fig. 6, step S316 of Iki. Iki recites in column 7, lines 25-27 that “program selection controller 208 automatically selects one of the versions based on user preferences 214, step 316.” Iki also recites in column 1, lines 47-50 that “One problem facing users with these increased television programming options is the possibility for the receipt of multiple versions of essentially the same program from multiple sources.” Therefore, in Iki, “same programs” with different versions are selection choices. The “same programs” are considered to have same scenes and thus, the same “scene description content”. Thus, such programs cannot be distinguished according to the “scene description content,” so that the “scene description content” cannot be used as the “user preferences 214.” Hence, at least the noted feature of claim 8, namely “to judge whether to permit delivery of the separated video streams to the client when the scene description content of the separated video streams are previously set as deliverable contents under the criterion”, provides a distinction over Iki.

The noted feature also is a distinction over Dureau and Tabatabai as evidenced, e.g., by the Office Action. That is, the Office Action does not appear to

cite specific portions of Dureau or Tabatabai as disclosing the above-noted features of claim 8.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 8 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis amended claim 8. Claims 3 and 5-6 directly depend from claim 8, and so at least similarly distinguish over the asserted combination of references.

INDEPENDENT CLAIMS 10, 13, AND 15

Independent claims 10, 13, and 15 have been amended to recite (among other things) a feature similar to that noted above for claim 8. Hence, such a feature provides a distinction over the asserted combination of Dureau, Iki, and Tabatabai for at least the same reasons set forth above for claim 8.

Claims 11 and 12 ultimately depend from claim 10, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 3, 5, 6, 8, 10-13, and 15 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

PATENT

Fujitsu Ref. No.: 02-51211
App. Ser. No.: 10/771,697

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: April 27, 2010

By /Scott A. Elchert/

Scott A. Elchert
Registration No.: 55,149
Phone: (202) 285-4177

Fujitsu Patent Center
FUJITSU MGMT SERVICES OF AMERICA, INC.
PTO Customer No.: 79326